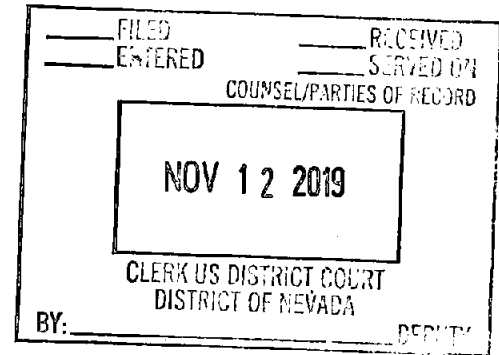


ORIGINAL TO COURT

Christopher D. Mack  
 Name  
S.D.C.C. / P.O. Box 208  
Indian Springs, NV. 89070  
#78847  
 Prison Number



UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

\*\*\*

Christopher D. Mack,  
 Plaintiff

vs.

Jerry Howell, warden,  
Brian Williams, warden,  
James Dzurenda, director of NDOC,  
Dwight Neven, warden,  
Dwayne Deal, Offender Management (OMD),  
R. Barrett, caseworker,  
Adam Paul Lakalt, Attorney General,  
Allison Herr, Deputy Attorney General,  
 Defendant(s).

2:19-cv-01984-APG-BNW

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO  
 42 U.S.C. § 1983

## A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Christopher D. Mack,  
 (print plaintiff's name)

who presently resides at Southern Desert Correctional Center, were violated by

the actions of the below-named individuals that were directed against Plaintiff at

Southern Desert Correctional Center  
P.O. Box 208 / Indian Springs NV 89070 on the following dates:  
 (institution/city where violation occurred)  
Deliberate Indifference  
12/01/01 to Present, and \_\_\_\_\_  
 (Claim 1) (Claim 2) (Claim 3)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

1) Defendant Dwayne Deal resides at unknown  
(full name of first defendant) (address if first defendant)  
and is employed as offender Management Division. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by the State of Nevada ex-rel  
Nevada Department of Corrections

) Defendant Jerry Howell resides at unknown  
(full name of first defendant) (address if first defendant)  
and is employed as warden at N.D.D.C.. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by the State of Nevada  
ex-rel Nevada Department of Corrections

) Defendant Brian Williams resides at unknown  
(full name of first defendant) (address if first defendant)  
and is employed as warden at N.D.D.C.. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by state of Nevada ex-rel  
Nevada Department of Corrections

) Defendant Janes Durenda resides at unknown  
(full name of first defendant) (address if first defendant)  
and is employed as Director of Nevada Dept. of Corrections. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by State of Nevada ex-rel  
Nevada Department of Corrections

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

) Defendant R. Barrett resides at UNKNOWN  
(full name of first defendant) (address if first defendant)  
and is employed as Caseworker at N.D.O.C. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by the State of Nevada  
ex-rel Nevada Department of Corrections.

) Defendant Dwight Neven resides at UNKNOWN  
(full name of first defendant) (address if first defendant)  
and is employed as Warden at N.D.O.C. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by State of Nevada ex-rel  
Nevada Department of Corrections

) Defendant Adam Paul Lokalt resides at UNKNOWN  
(full name of first defendant) (address if first defendant)  
and is employed as Attorney General This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by the State of Nevada  
ex-rel Attorney General's Office of the Court

) Defendant Allison Herr resides at UNKNOWN  
(full name of first defendant) (address if first defendant)  
and is employed as Deputy Attorney General This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Defendant is employed by the State of Nevada  
ex-rel Attorney General's office of the Court.

## B. NATURE OF THE CASE

1.) Christopher Mack here-in-after, Plaintiff, was incarcerated on December 1, 2001 in Consolidated Cases C182000 and C182002 for crime(s) of Count 1- Burglary while in possession of a firearm (Felony - NRS 205.060) Category B felony, Count 2- Robbery with use of a deadly weapon (Felony - NRS 200.380, 193.165) Category B felony, Count 3- Attempt Robbery with use of a deadly weapon (Felony - NRS 200.380, 193.165, 193.330) Category B felony, Count 7- Burglary while in possession of a firearm (Felony - NRS 205.060) Category B felony, Counts 8, 9, and 10 (concurrent) Robbery with use of a deadly weapon (Felony - NRS 200.380, 193.165) Category B felony.

2.) Plaintiff was also charged and convicted in case # C181882 with two additional counts. Count 1- Robbery with use of a deadly weapon (Felony - NRS 200.380, 193.165) Category B felony and Count 2- Robbery with use of a deadly weapon (Felony - NRS 200.380, 193.165) Category B felony. This case, plaintiff received on the dates of 11-8-2001 and 11-20-2001.

3.) During the above stated times of each case involved up to the present, the Nevada Department of Corrections has failed to compensate and/or credit Plaintiff with the statutory good time / work time credits allotted Plaintiff

and guaranteed by NRS 209.4465 (1997). It entitles Plaintiff to have 20 days per month of statutory good time/work time credits deducted from the minimum and maximum terms of his sentence for the period he is actually incarcerated and each month he serves. Due to N.D.O.C. neglect of following the guidelines set forth in NRS 209.4465 (1997) Plaintiff filed for WRIT OF HABEAS CORPUS April 27<sup>th</sup>, 2017 challenging N.D.O.C.'s computation of Plaintiff's good time/work time credits. (See Exhibit (D) Petition for WRIT OF HABEAS CORPUS.)

The Court granted Plaintiff's WRIT OF HABEAS CORPUS on February 9, 2018. (See Exhibit (A) Notice of Entry Order.)

4.) The N.D.O.C. and the Courts have still denied Plaintiff's good time/work time credits for all of Plaintiff's counts since November 8, 2001 even with the HABEAS CORPUS being GRANTED. The Claim is that, "because the application of credits under NRS 209.4465 (2)(b) only serves to make an offender eligible for Parole Earlier, NO RELIEF can be afforded where the offender has already expired the sentence." Plaintiff's rights have been clearly Violated since his incarceration and Plaintiff has been excessively confined because of the Constitutional Rights Violations. (See Exhibit (B) Inmate Grievance Report, (GRIEVANCE.)

5.) Plaintiff had a Parole Granted to him in which the N.D.O.C. rescinded claiming Plaintiff was "ineligible." Plaintiff was granted board in Consolidated Cases C162000 and C162002 on 7-9-2004, parole eligibility date be 11-29-2004. During

1 this time Plaintiff went back to Court and signed a Guilty  
2 Plea agreement in Case C181882 and was sentenced on the  
3 date of August 4<sup>th</sup>, 2004 to (2) Two additional Counts of  
4 Robbery with use of a deadly weapon to run Concurrent with  
5 Plaintiff's Consolidated Cases) C182000 and C182002. N.D.O.C.  
6 and Nevada Board of Parole Commissioners told Plaintiff that  
7 prior to the 11-29-2004 Parole date in Case C182000, new  
8 sentences resulting from a different Conviction were applied  
9 to Plaintiff's current sentence structure and according to  
10 NRS 213.1213, eligibility for parole on Concurrent sentences  
11 is based on the sentence requiring the longest period of time  
12 to serve before eligibility. Plaintiff contends that if the  
13 N.D.O.C. Applied NRS 209.4465 (1992) correctly, there's  
14 no way the two cases C182000 and C181882 could have  
15 ever effected each others course or Plaintiff's Parole.  
16 (See Exhibit (C) Nevada Board of Parole Commissioners  
17 Letter.)

## C. CAUSE(S) OF ACTION

## CLAIM 1

The following civil rights have been violated: Plaintiff was denied  
DUE PROCESS under Nevada Constitution Art 1 § 8 and  
State Law.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff specifically Re-alleges Paragraphs (1) through (5) of the  
Nature of the Case as specifically alleged here-in.

Defendants, Jerry Howell, Brian Williams, James Dzurenda, Dwight  
Neven, Dwayne Deal, R. Barrett, Adam Paul Lovatt, and Allison Herr  
All denied Plaintiff of his due Process. As directors, wardens,  
Attorney Generals, employees, and Policy Makers in charge of training,  
applying and over-seeing Plaintiff's stat-time, work time Credits directly  
violated Plaintiff's due process rights under the Nevada Constitution  
Art 1 § 8 by implementing, enforcing and ratifying arbitrary "Customs"  
and Policies in which deprived Plaintiff of NRS 209.4465(2)(b) Application  
of credits, Parole eligibility date, appropriate Custody level, timely  
Parole board hearing, and ultimately Liberty without a hearing or  
any Legitimate penalogical reason further depriving Plaintiff of  
his Plea agreement, and Judgement of Conviction without  
Due Process.

## CLAIM 2

The following civil rights have been violated: Plaintiff was subjected to Ex-Post Facto/De-Facto law in violation of Art. 15 of the Nevada Constitution and state law.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff specifically Re-Alleges Paragraphs (1) through (5) of the Nature of the Case a specifically alleged here-in.

Defendants, Jerry Howell, Brian Williams, James Ozurenda, Dwight Neven, Dwayne Deal, R. Barrett, Adam Paul Lakoff, and Allison Herr, as Directors, Wardens, Attorney generals, employees and Policy Makers in charge of training, Applying and over-seeing Plaintiff's statetime, worktime credits directly violated Plaintiff's Nevada Constitutional right to be free from Ex-Post Facto/De facto application of law by implementing, enforcing and ratifying arbitrary "Customs" and Policies in which subjected Plaintiff to the failure of NRS 209.4465 (1)(b) application of Credits and/or the retroactive application of NRS 209.4465 (c) which inflicts a greater punishment on Plaintiff i.e. Custody Level, Parole eligibility, and increased sentence.



## CLAIM 3

The following civil rights have been violated: Plaintiff was subjected to Cruel and unusual punishment in violation of Art 6 of the Nevada Constitution, N.V. State law.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff specifically Re-Alleges Paragraphs (1) through (5) of the Nature of the Case as specifically alleged here-in.

Defendants Terry Howell, Brian Williams, James Dzurenda, Dwight Neven, Dwayne Seal, R. Barrett, Adam Paul Lakolt, and Allison Herr, as Directors, Wardens, Attorney Generals, employees and Policy makers in charge of training, applying and overseeing Plaintiff's stat-time, work-time Credits directly Violated Plaintiff's Nevada Constitutional Rights to be free from cruel and unusual punishment by implementing, enforcing, and ratifying arbitrary "Customs" and Policies in which Deliberately and indifferently deprived Plaintiff of Parole Eligibility date, appropriate Custody Level, timely Parole Board hearing and ultimately Liberty in which "Shocked" the Conscience and subjected Plaintiff to the unnecessary wanton infliction of Pain.

## CLAIM 4

The following civil rights have been violated: Plaintiff's rights to EQUAL Protection of the law Protected by the Nevada Constitution was Violated and Nevada State law.

Plaintiff specifically re-alleges Paragraphs (1) through (5) of the NATURE OF THE CASE as specifically alleged here-in.

Defendants Terry Howell, Brian Williams, James Dzurenda, Dwight Neven, Dwayne Deal, R. Berrett, Adam Paul Loxalt, and Allison Herr, as Directors, Wardens, Attorney Generals, employees and Policy makers in charge of training, applying and Overseeing plaintiff's stop-time work time credits directly Violated Plaintiff's Nevada Constitutional Rights to Equal Protection of the law by Implimenting, enforcing and ratifying "Customs" and Policies which arbitrary government action were imposed motivated by pure "spite" to deprive Plaintiff of NRS 202.4465 (1)(B) application of Credits along with a small group of felons who committed their crimes between "1997" and "2007" more over by discriminating against Plaintiff as a class of one informing the Court Plaintiff was not entitled to NRS 202.4465 (1)(B) in there response to writ of Habeas Corpus as seen in Exhibit ( ) These Customs were the direct Moving force of Plaintiff's Nevada Constitutional Rights Violations.

## CLAIM 5

The following Civil Rights have been Violated: Plaintiff has been Subjected to Negligence In Violation of the laws and the Nevada Constitution, N.V. State Law.

Plaintiff specifically re-alleges Paragraphs (1) through (5) of the Nature of the Case, as specifically alleged here-in.

Defendants Jerry Howell, Brian Williams, James Dzurenda, Dwight Neven, Dwayne Deal, R. Barrett, Adam Paul Lexalt, and Allison Herr, as Directors, Wardens, Attorney Generals, employees, and Policy makers in charge of training, applying and overseeing Plaintiff's stat-time work time Credits directly Violated Plaintiff's State law and Constitutional Right to be free from negligent government actions being imposed on Plaintiff by implementing, enforcing and ratifying Customs and Policies in which allows and supports N.D.D.C. to refuse and or fail to apply the appropriate Credit Application to Plaintiff category (B) conviction.

Plaintiff in the instant case is a lay man of the law and has no physical access to a law library at this time and is at the mercy of this court to interpret Courts (Claims) (1) through (5) into the state laws that were violated in which Plaintiff is entitled relief as Plaintiff does not have the exact law NRS # NRS but only exhibits and his allegation.

- 9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

a) Defendants: \_\_\_\_\_

b) Name of court and docket number: \_\_\_\_\_

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
\_\_\_\_\_  
\_\_\_\_\_

d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

- 10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

**Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:**

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (circle one): (1) frivolous;  
(2) malicious; or (3) failed to state a claim upon which relief could be granted.

d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

**Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:**

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

**Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:**

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

**D. REQUEST FOR RELIEF**

I believe I am entitled to the following relief: (1.) 150,000 per Defendant for  
Compensatory damages (2.) 50,000 for punitive damages  
(3.) 60,000 for general damages (4.) that this Court main-  
tain Jurisdiction of this Case (5.) that plaintiff receives  
immediately relief of any remaining obligations to any time left  
on Plaintiff's Current Sentence.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

N/A

(name of person who prepared or helped  
prepare this complaint if not the plaintiff)

Christopher D. Mark

(signature of plaintiff)

October 30, 2019

(date)

COPY

Electronically Filed  
2/15/2018 8:46 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

1 NEOJ

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4 CHRISTOPHER MACK,

5  
6 Petitioner,

Case No: A-17-754557-W

Dept. No: VII

7 vs.

8 DWIGHT NEVENS,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10  
11 PLEASE TAKE NOTICE that on February 9, 2018, the court entered a decision or order in this matter,  
12 a true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is  
15 mailed to you. This notice was mailed on February 15, 2018.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17  
18  
19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 15 day of February 2018, I served a copy of this Notice of Entry on the  
21 following:

22 ☒ By e-mail:

Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

23  
24 ☒ The United States mail addressed as follows:

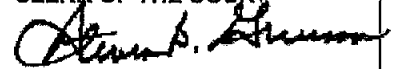
25 Christopher Mack # 78847  
P.O. Box 208  
Indian Springs, NV 89070

26  
27 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

Exhibit (A)

Electronically Filed  
2/9/2018 5:53 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4  
5 CHRISTOPHER MACK,

6 Petitioner,

7 vs.

8 DWIGHT NEVENS, WARDEN,

9 Respondents.

Case No. A-17-754557-W

Dept. No. VII

10 DECISION AND ORDER

11 Petitioner Christopher Mack filed a Petition for Writ of Habeas Corpus challenging the  
12 computation of time by the Nevada Department of Corrections. The matter came before the Court  
13 on November 7, 2017. The Court did not entertain oral arguments and no parties were present. The  
14 Court now rules based solely on the pleadings pursuant to NRS 34.770(2). The Court grants Mr.  
15 Mack's Petition for Writ of Habeas Corpus. The Attorney General's Office supplemented their  
16 response to include information regarding compliance from the NDOC as to the Court's granting of  
17 Mr. Mack's petition. The Court heard the issue regarding NDOC compliance on January 9, 2018.  
18 The Court found that Mr. Mack's sentence was recalculated in compliance with its finding on  
19 November 7, 2017 and Mr. Mack was given an edibility date of September 6, 2017 and would be  
20 added to the next parole calendar.

21 **I. Factual and Procedural Background**

22 Christopher Mack was adjudicated guilty of the following 2001 offenses and was given the  
23 following sentences:

24 Count I- Burglary while in Possession of a Firearm, a category B felony, to serve a  
25 sentence of thirty-six months to one hundred fifty-six months;

26 Count II- Robbery with Use of a Deadly Weapon, a category B felony, to serve a  
27 sentence of thirty-six months to one hundred fifty-six months, plus an equal and consecutive

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

FEB 09 2018



1 sentence of thirty-six months to one hundred fifty-six months for the deadly weapon enhancement,  
2 to run consecutive to Count I;

3 Count III- Attempt Robbery with Use of a Deadly Weapon, a category B felony, to  
4 serve a sentence of twenty-two months to ninety-six months, plus an equal and consecutive sentence  
5 of twenty-two months to ninety-six months for use of a deadly weapon, to run consecutive to Count  
6 II;

7 Count VII- Burglary while in Possession of a Firearm, a category B felony, to serve a  
8 sentence of thirty-six months to one hundred fifty-six months, to run consecutive to Count III;

9 Count VIII- Robbery with Use of a Deadly Weapon serving a sentence of thirty-six  
10 months to one hundred fifty-six months, plus an equal and consecutive sentence of thirty-six months  
11 to one hundred fifty-six months for use of a deadly weapon, to run concurrent to Count VII;

12 Count IX- Robbery with Use of a Deadly Weapon serving a sentence of thirty-six  
13 months to one hundred fifty-six months, plus an equal and consecutive sentence of thirty-six months  
14 to one hundred fifty-six months for use of a deadly weapon, to run concurrent to Count VIII; and

15 Count X- Robbery with Use of a Deadly Weapon serving a sentence of thirty-six  
16 months to one hundred fifty-six months plus an equal and consecutive sentence of thirty-six months  
17 to one hundred fifty-six months for use of a deadly weapon, to run concurrent to Count IX.

18 Mr. Mack has discharged a portion of his sentence and is currently serving an active sentence  
19 for Use of Deadly Weapon Enhancement, a category B felony. The majority of his sentences are  
20 pending.

## 21 II. Discussion

22 The Nevada Supreme Court in Williams v. State, 402 P.3d 1260 (Nev. 2017) held that  
23 petitioners with offense dates between 1995 and June 30, 2007 are entitled to good time credits  
24 under NRS 209.4465(7)(b) if: (1) the petitioner was sentenced under a statute that did not specify a  
25 parole eligibility date; and (2) the petitioner has not already been before the parole board on that  
26 sentence. As Mr. Mack's offenses took place before June 30, 2007, Mr. Mack may be entitled to  
27 additional credits pursuant to Williams.  
28

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

**The Court Grants Mr. Mack's Petition for Good Time Credits Pursuant to the Williams Decision.**

Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or after July 17, 1997. The Court applies the version of the statute in effect when the offenses were committed in its question, because the offense took place before the 2007 amendment of NRS 209.4465. For offenses committed before July 1, 2007, the Court finds that an inmate that meets certain qualifications "must be allowed. . . a deduction of 10 days from his sentence for each month he serves." NRS 209.4465(1) (2003) (amended 2007). These credits "must be deducted from the maximum term imposed by the sentence," and "[a]pply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole." NRS 209.4465(7) (2003) (amended 2007). For offenses committed after the July 1, 2007 effective date, the petitioner is entitled to "a deduction of 20 days from his sentence for each month he serves." NRS 209.4465(1) (2007). Williams now governs the credits a petitioner may earn under NRS 209.4465, and their application for offenses committed before July 1, 2007.

Pursuant to Williams, the Nevada Supreme Court found that a petitioner is entitled to apply credits they would have earned under NRS 209.4465 to the current sentence's minimum if: (1) the petitioner was sentenced under a statute that was silent as to a parole eligibility date; and (2) the petitioner had not already appeared before the parole board. Williams at 1266. The Nevada Supreme Court found that NRS 209.4465(7), section (a) provides the general rule for credits earned towards eligibility for parole, and section (b) sets forth the limitations. Under the rules of construction, the Nevada Supreme Court found that section (b) limitations do not apply to a sentencing statute that is silent on parole eligibility. As such, credits earned should be deducted from a petitioner's minimum sentence. Thus, an inmate is eligible for parole sooner than he or she would have been without the credits. Williams at 1262.

Accordingly, the Court finds Mr. Mack is entitled to good time credit deductions from his parole eligibility date under NRS 209.4465 as a result of Williams. The statute under which Mr. Mack was convicted specifies a minimum sentence, but does not specify parole eligibility and Mr.

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

1 Mack has not yet been before the parole board on this sentence. Therefore, Mr. Mack is entitled  
2 additional time credits towards his parole eligibility date under NRS 209.4465(7) as it existed in  
3 2001.

### 4 III. Conclusion

5 Mr. Mack is entitled to additional credits pursuant to the Williams decision because he is  
6 currently serving on a sentence that does not specify a parole eligibility date and he has not yet been  
7 before the parole board on this pre-2007 offense. Therefore, the Court grants Mr. Mack's Petition  
8 for Writ of Habeas Corpus.

9  
10 DATED this day of February 5, 2018.

11  
12  
13 

14 LINDA MARIE BELL  
15 DISTRICT COURT JUDGE  
16  
17  
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19  
20  
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28

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Christopher Mack c/o High Desert State Prison	Petitioner
Allison Herr, Esq. Deputy Attorney General	Counsel for Respondent

  
TINA HURD  
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

**AFFIRMATION**

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A754557 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell  
District Court Judge

Date 2/5/2018

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII



# State of Nevada Department of Corrections

## INMATE GRIEVANCE REPORT

ISSUE ID# 20063063254

ISSUE DATE: 03/27/2018

INMATE NAME		NDOC ID	TRANSACTION TYPE	ASSIGNED TO	
MACK, CHRISTOPHER D		78847	RTRN_L2	DDEAL	
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
2	08/03/2018		Denied	HRJONES	A

### INMATE COMPLAINT

### OFFICIAL RESPONSE

Responses at the previous levels were correct and appropriate, except the 1st level response mentioned both minimum/maximum but inmates, including you, did receive 209.4465 credits off the maximum terms prior to any court decisions. The NDOC's interpretation of the language in NRS 209.4465, which is what is covered in both the VonSeydewitz and Williams decision, both prior to and after AB 510 and the addition in 209.4465 of subsection 8, and of not giving credits on minimum terms when a minimum sentence was stipulated in the statute the inmate was sentenced under, was actually upheld in a Nevada Supreme Court (NSC) decision prior to the new ruling they put forth in the 'VonSeydewitz' case. It was believed that AB 510 was actually allowing inmates who hadn't been eligible for credits to be applied to their minimum term was now allowed to, with the stipulation that the Cat A or B felonies, and the other criteria stipulated in subsection 8 would be precluded. It was the NSC's new interpretation of this statute (209.4465.7.b) that caused him to be able to have 209.4465 credits applied to his minimum term, but that was an unpublished order and was only applied to Inmate VonSeydewitz. However, there was a new published NCS decision (Williams v State), filed October 2017 (which you referenced), and in that order the NSC upheld 'VonSeydewitz' in that offenses sentenced under statutes which did not specify a minimum term that must be served before a person becomes eligible for parole would be eligible for 209.4465 credits, as per NRS 209.4465.7(b), to be applied to the minimum term(s). The NCS's new interpretation was that inmates should have been getting credits towards their minimum term, as outlined below, and that AB 510 actually restricted some inmates with offenses on or after 7-1-07, from getting those credits. The interpretation can be explained such that anyone sentenced under a statute which stipulates a minimum "range" (like not less than 1 and not more than 6 years, for example), would have these credits apply to the minimum term, but sentences under statutes that stipulate a specific minimum (like a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served, for example), would not. A foot note in this decision stipulates that because the application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already expired the sentence or appeared before the Parole Board (PB) on the sentence (paraphrasing). Both your cases fall within the above noted time frame but you already discharged sentences under C181882 and discharged or appeared before PB on Ct 1 Robbery and UDW and Ct 2 Robbery of C#182002 before the Williams decision. Your eligible active sentence (Ct 2 UDW) was adjusted, moving your PED to 9-6-17. You were scheduled and seen by PB 3-12-18 and the PB granted you parole with a recommended Release date of 3-12-18 (this was the PB's decision and I believe they could have set that date sooner if they would have wanted to (up to your PED at that time). The remaining eligible sentences (Ct 3, 7, 8, 9 and 10) were adjusted to allow credits toward those minimum terms as well. After being advised of your court ruling you were adjusted and scheduled for a PB hearing as soon as possible. Your request for monetary recompense of \$500,000 is denied.

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: AUG-03-18 03:14 PM

Page 1 of 1

Exhibit (B)

LOG NUMBER: 20063063254NEVADA DEPARTMENT OF CORRECTIONS  
SECOND LEVEL GRIEVANCENAME: Christopher Mack I.D. NUMBER: 78847INSTITUTION: Southern Desert Correctional Center UNIT: 1 B #16I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063063254, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

## SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 7-1-18WHY DISAGREE: In response to your official response to my 1st level grievance, you explained that in the Jessica Williams decision, if I had parole, Action/ or discharged any sentence under the case, I was currently serving, those sentences are not "eligible" to receive the minimum/maximum deducted from my sentence structure. My stance is that it is not my sentencesGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 7/9/18

SECOND LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_  
GRIEVANCE UPHELD ☒ GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740SIGNATURE: Wayne Dent TITLE: PM 18 DATE: 8-3-18GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9/12/18INMATE SIGNATURE: Christopher Mack DATE: 9/12/18

## THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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AUG 02 2018

OFFENDER MANAGEMENT  
NDOCRECEIVED  
JUL 13 2018S.D.C.C.  
A.W.F.

DOC 3094 (12/01)

LOG NUMBER: 20063063254NEVADA DEPARTMENT OF CORRECTIONS  
SECOND LEVEL GRIEVANCENAME: Christopher Mack I.D. NUMBER: 78847INSTITUTION: Southern Nevada Correctional Center UNIT: 1 B #16I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063063254, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

## SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 7-1-18WHY DISAGREE: my request for a second review of my first grievancewas denied. I am requesting a second review of my first grievancebecause I believe the first review was not fair and I want a secondreview. I am requesting a second review of my first grievancebecause I believe the first review was not fair and I want a secondGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 7/1/18

SECOND LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ GRIEVANCE UPHeld \_\_\_\_\_ GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: [Signature] TITLE: C.M.P. DATE: 8-2-18GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 8/2/18INMATE SIGNATURE: [Signature] DATE: 8-2-18

## THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To Inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

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AUG 02 2018

OFFENDER MANAGEMENT  
NDOC

DOC 3094 (12/01)

**NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Christopher Mack I.D. NUMBER: 78847

INSTITUTION: S.D.C.C. UNIT #: 1 B#16

GRIEVANCE #: 20063063254 GRIEVANCE LEVEL: 2<sup>nd</sup> Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

that are "eligible" to receive any thing! "I" Am "eligible" to receive a deduction of 20 days from my sentence for each month I serve. I am owed 240 days per year for each month I have served, ~~whether~~ whether I have been paroled onto my next sentence or Not or discharged my sentence. I'm under 1 Continuous TERM of imprisonment and have never gotten released. Subsection 7(b) of AB 510's NRS 209.4465 which states: Except as otherwise provided in Subsection 8 credits earned pursuant to this section - (b) Apply to eligibility for parole has nothing to do with the deduction of DAYS I'm to receive for each month in Prison I serve! Remedy: from Dec. 1<sup>st</sup> 2001 to Dec. 1<sup>st</sup> 2017 I'm owed 27 total deduction of 3,600 days. Credit all of it to my remaining sentence(s).

Original: Attached to Grievance  
Pink: Inmate's Copy

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NDOC  
DOC - 3097 (01/02)





# State of Nevada Department of Corrections

## INMATE GRIEVANCE REPORT

**ISSUE ID#** 20063063254

**ISSUE DATE:** 03/27/2018

INMATE NAME		NDOC ID	TRANSACTION TYPE		ASSIGNED TO
MACK, CHRISTOPHER D		78847	RTRN_L1		JHOWELL
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
1	06/08/2018	5	Denied	SCOOK	INACTIVE
<b>INMATE COMPLAINT</b>					
<b>OFFICIAL RESPONSE</b>					
<p>I am in receipt of your Grievance #20063063254 and found that you were correctly responded to at the informal level. Your sentence structure was under review by the Offender Management Division (OMD) due to the recent William's decision. Since the filing of your grievance, your sentence structure has been adjusted by OMD and all credits owed have been posted to your active sentence and will be applied to all future sentences on current case that you have to serve. Be advised that according to the William's decision, if you have had parole action and/or discharged any sentence under the case that you are currently serving, those sentences are not eligible to receive the minimum/maximum deducted from your sentence structure.</p> <p>Grievance Denied.</p>					

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: JUN-08-18 09:30 AM

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Page 9 of 12

OFFENDER MANAGEMENT  
NDOC

Log Number 20063063254NEVADA DEPARTMENT OF CORRECTIONS  
FIRST LEVEL GRIEVANCENAME: CHRISTOPHER MACK I.D. NUMBER: 78847  
INSTITUTION: S.A.C.C. UNIT: 7b#26I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063063254, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

## SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 5/3/18WHY DISAGREE: Under 209.4465 (1997) NRS, I AM ENTITLED TO HAVE 20 DAYS PER MONTH FOR EACH MONTH I SERVE (STATUTORY GOOD TIME) deducted from the "Minimum" & "Maximum" term of my sentence. According to my calculation I'm owed 240 days per year. I was subjected to do 365 days on each year in violation of my (8th) EIGHTH amendmentGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5/4/18

FIRST LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_  
GRIEVANCE UPHOLD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740WARDEN'S SIGNATURE: [Signature] TITLE: WARDEN DATE: 6.7.18GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 6/11/18\_\_\_\_\_  
INMATE AGREES INMATE DISAGREESINMATE SIGNATURE: Christopher Mack DATE: 6/28/18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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OFFENDER MANAGEMENT  
NDOC

DOC 3093 (12/01)

Log Number 20063063254NEVADA DEPARTMENT OF CORRECTIONS  
FIRST LEVEL GRIEVANCENAME: CHRISTOPHER MACK I.D. NUMBER: 78847  
INSTITUTION: S.A.C.C. UNIT: 70#26I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063063254, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

## SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 5/3/18WHY DISAGREE: Under 309.4465 (1997) NRS, I AM ENTITLED TO HAVE  
30 days per month for each month I serve (starting from time)  
deducted from the "Maximum" of "Minimum" term of my sentence. According  
to my calculation I earned 240 days for year. I was sentenced to  
365 days in each year. Violation of my B-10 term sentence.GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5/1/18

FIRST LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_ GRIEVANCE UPHELD \_\_\_\_ GRIEVANCE DENIED \_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: WARDEN DATE: 6-7-18GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 6/1/18

\_\_\_\_ INMATE AGREES \_\_\_\_ INMATE DISAGREES

INMATE SIGNATURE: Christopher Mack DATE: 5/3/18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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NDOC

DOC 3093 (12/01)

**NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Christopher Mack I.D. NUMBER: 7BB47  
 INSTITUTION: S.D.C.C. UNIT #: 7B#26  
 GRIEVANCE #: 20063063254 GRIEVANCE LEVEL: First Level  
 GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

right to CRUEL & UNUSUAL PUNISHMENT, (14th) Fourteenth  
Amendment which GUARANTEES Equal Protection of the  
Law to all citizens, when the NDOC decided to NOT  
EXERCISE Established Law set forth in / under  
NRS. 209.4465 (1997). Because of this All of my Parole  
Eligibility dates WERE set back YEARS and my  
expiration dates WERE set back YEARS. From the date  
of December 1<sup>st</sup> 2001 until December 1<sup>st</sup> 2017,  
at 20 days PER month, 240 PER YEAR I'm owed a  
total of 3,600 days. REMEDY: The  
20 days PER month deducted from EACH month served  
according to NRS 209.4465 (1997) that was denied Me  
from my Minimum & Maximum terms of my sentence from  
December 1<sup>st</sup> 2001 until December 1<sup>st</sup> 2017... be  
deducted from the Minimum and Maximum terms of  
my Remaining Pending sentence. (MEANING, all the

Original: Attached to Grievance  
 Pink: Inmate's Copy

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OFFENSE: 1997-01-01  
 NDOC

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Christopher Mock I.D. NUMBER: 78847

INSTITUTION: S.D.C.C. UNIT #: 7B #26

GRIEVANCE #: 20063063854 GRIEVANCE LEVEL: First Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 3

days I'm still owed, approximately 3,600 days,  
be CREDITED to the remainder of my  
sentence structure.)

Respectfully Submitted

Original: Attached to Grievance  
Pink: Inmate's Copy

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OFFENDER MANAGEMENT  
DOC - 3097 (01/02)



Case 2:19-cv-01984-APG-BNW Document 41 Filed 08/11/20 Page 30 of 52  
State of Nevada  
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063063254

ISSUE DATE: 03/27/2018

INMATE NAME		NDOC ID	TRANSACTION TYPE	ASSIGNED TO	
MACK, CHRISTOPHER D		78847	RTRN_INF	RBARRETT	
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	04/17/2018	5	Resolved	SCOOK	INACTIVE
INMATE COMPLAINT					
OFFICIAL RESPONSE					
I have forwarded your grievance to Offender Management Division (OMD) and your sentence structure is under review. It appears you may be eligible under the Williams decision. Once OMD has completed the review, you will be notified of any changes. Grievance under OMD review.					

  
GRIEVANCE RESPONDER

X

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Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: APR-17-18 09:18 AM

AUG 02 2018 Page 9 of 10

OFFENDER MANAGEMENT  
NDOC

Log Number

20063063254

# NEVADA DEPARTMENT OF CORRECTIONS INFORMAL GRIEVANCE

NAME: CHRISTOPHER MACK I.D. NUMBER: 78847INSTITUTION: S.D.C.C. UNIT: 6 C #25

GRIEVANT'S STATEMENT: under 209.4465(1997) N.R.S., I AM ENTITLED TO  
have 20 days per month of statutory good time deducted from the  
"minimum" and "maximum" term of my sentence. (NDOC) HAS NOT done this.  
Remedy: 20 days per month that were NOT deducted from the  
"minimum" & MAXIMUM end of my sentence from December 1st 2001

## SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Christopher Mack DATE: 2.21.18 TIME: 3:00 PMGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 2/21/18 TIME: 9A

GRIEVANCE RESPONSE:

See AttachedCASEWORKER SIGNATURE: [Signature] DATE: 4/20/18   GRIEVANCE UPHELD    GRIEVANCE DENIED    ISSUE NOT GRIEVABLE PER AR 740GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 4/19/18   INMATE AGREES    INMATE DISAGREESINMATE SIGNATURE: Chris Mack DATE: 5/3/18

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY  
 BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
 Canary: To Grievance Coordinator  
 Pink: Inmate's receipt when formal grievance filed  
 Gold: Inmate's initial receipt

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 MAR 2018

AUG 02 2018

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Christopher Mack I.D. NUMBER: 78847

INSTITUTION: S.D.C.C. UNIT #: 6 C#25

GRIEVANCE #: \_\_\_\_\_ GRIEVANCE LEVEL: INTERNAL

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

until present, be deducted from the Minimum & MAXIMUM  
of REMAINING pending Sentences.

Original: Attached to Grievance  
Pink: Inmate's Copy

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DOC - 3097 (01/02)

OFFENDER MANAGEMENT  
NDOC



# NEVADA DEPARTMENT OF CORRECTIONS ADMINISTRATIVE CLAIM FORM

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,  
209.243 AND ADMINISTRATIVE REGULATION 740

**DO NOT** SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,  
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ 500,000 is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name) <u>Christopher Mack</u>		2. I.D. # <u>78847</u>	3. INSTITUTION <u>S.D.C.C.</u>
4. AMOUNT OF CLAIM <u>\$500,000</u>	5. DATE AND DAY OF OCCURRENCE <u>12/01/01 til Present</u>		6. TIME (a.m. or p.m.)
7. PLACE OF OCCURRENCE <u>S.D.C.C.</u>			

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8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

Under 209.4465 (1997) NRS, I am ENTITLED TO HAVE 20 days PER month of STATUTORY GOOD TIME deducted from the "MINIMUM" TERM of my sentence as well as the "MAXIMUM" TERM of sentence. NDOC has denied me this from the date of December 1<sup>st</sup> 2001 until Present.

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

DIRECTOR James Dzurenda,  
Warden Jo BENTLEY

10. Other pertinent information:

Court issued a decision and order on February 9<sup>th</sup> 2018 ruling in my favor granting My Habeas Corpus. The Nevada Supreme Court in Williams v. STATE 402 P.3d 1260 (Nov 2017) held that defendants with offense dates between 1995 and June 2007 are entitled to good time credits under NRS 209.4465 (7).

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AUG 02 2018

OFFENDER MANAGEMENT  
NDOC

STATE OF NEVADA )  
COUNTY OF CLARK ) SS

I, Christopher Mack, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 21 day of February, 2018

Christopher Mack  
Signature of Claimant

#### NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

DOC - 3095 (12/01)

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## NEVADA DEPARTMENT OF CORRECTIONS

## ADMINISTRATIVE CLAIM RELEASE AGREEMENT

I, Christopher Mack, NDOC # 78847 as claimant, did on the 21 day of February, 2018, file against and deliver to the Department of Corrections, via the Warden of S.D.C.C., an institution/facility of the Department of Corrections, an Inmate Grievance No. \_\_\_\_\_, alleging personal injuries or any other claim arising out of a tort alleged to have occurred during my incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees, or contractors described as \_\_\_\_\_

I acknowledge that \$ \_\_\_\_\_ will be deposited into my account as payment in full, for the above claim and hereby release the State of Nevada, the Nevada Department of Corrections and any and all agents, servants and/or employees of the state and agency from all liability of any kind whatsoever from any further claim for items identified on this grievance.

I UNDERSTAND THIS RELEASE WILL BECOME EFFECTIVE ONLY UPON THE APPROVAL OF MY CLAIM BY THE STATE OF NEVADA AND/OR THE NEVADA DEPARTMENT OF CORRECTIONS.

DATED this \_\_\_\_\_ day of \_\_\_\_\_,

SIGNED: \_\_\_\_\_ SOCIAL SECURITY # \_\_\_\_\_  
Signature of Claimant

WITNESS: \_\_\_\_\_

TITLE: \_\_\_\_\_

DOC-3096

AUG 02 2019

OFFENDER MANAGEMENT  
NDOC

1677 Old Hot Springs Road  
Suite A  
Carson City, Nevada 89706-0677  
<http://parole.nv.gov>  
(775) 687-5049  
Fax (775) 687-6736

CONNIE S. BISBEE, *Chairman*  
SUSAN L. JACKSON, *Member*  
ADAM ENDEL, *Member*  
TONY CORDA, *Member*

DENISE DAVIS, *Executive Secretary*



4000 S. Eastern Avenue  
Suite 130  
Las Vegas, Nevada 89119-0840  
<http://parole.nv.gov>  
(702) 486-4370  
Fax (702) 486-4376

CONNIE S. BISBEE, *Chairman*  
EDDIE GRAY JR., *Member*  
MICHAEL KEELER, *Member*  
MAURICE SILVA, *Member*

## NEVADA BOARD OF PAROLE COMMISSIONERS

September 24, 2013

Christopher Mack #78847  
High Desert State Prison  
PO Box 650  
Indian Springs, NV 89070

Dear Mr. Mack,

I received and read your letter dated September 16, 2013 which relates to an action by the Board in 2004 to grant parole to your consecutive sentence. After reading your letter and reviewing your case I can provide the following information.

Based on information provided to the Board by the NDOC, when the parole hearing was conducted on July 9, 2004, the only case number that appeared in your sentence structure was 182002. The case you were considered for parole on at that time was Burglary with a Firearm, which was a 3 to 13 year sentence with a parole eligibility date of 11-29-2004. You were granted parole to a consecutive 3 to 13 year Robbery sentence (same case number).

Prior to the 11-29-2004 date, new sentences resulting from a different conviction were applied to your sentence structure. It appears that a new case (181882-Robbery) was applied to run concurrent with the Burglary with a Firearm sentence in case 182002. NRS 213.1213 states that eligibility for parole on concurrent sentences is based on the sentence requiring the longest period of time to serve before eligibility, it appears the new sentence "preempted" your eligibility on case number 182002 (Burglary with a Firearm).

I was unable to find written notice to the Board from the NDOC that your sentence structure had changed after the new sentences (from case number 181882) were applied to your previous sentence structure. I was also unable to find a record that the order granting parole on the Burglary with a Firearm was rescinded, but in 2007 when you became eligible on the new case (181882) the hearing held on 3-6-2007 included the Burglary with a Firearm case that was previously granted parole. It appears that the Board was under the impression that you lost eligibility after the parole grant in 2004 because of the new controlling sentence.

Because the NDOC has the statutory obligation to interpret judgments of conviction and determine parole eligibility, any issue related to your sentence structure and the interpretation of parole eligibility based on the issuance of court judgements and parole orders should be addressed to them.

Exhibit (C)

A-17-754557-W  
IPWHC  
Inmate Filed -- Petition for Writ of Habeas  
4644174



FILED

APR 27 2017

CLERK OF COURT

Case No. C182002  
Dept. No. ....

IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR THE COUNTY OF Clark.

Christopher Mack  
Petitioner,

v.

PETITION FOR WRIT  
OF HABEAS CORPUS  
(POSTCONVICTION)  
compensation of

Dwight Nevens Warden (HDS)  
Respondent.

(Good time / work time credits)

A-17-754557-W

VII

INSTRUCTIONS:

- (1) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.
- (2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) If you want an attorney appointed, you must complete the Affidavit in Support of Request to Proceed in Forma Pauperis. You must have an authorized officer at the prison complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (4) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.
- (5) You must include all grounds or claims for relief which you may have regarding your conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your conviction and sentence.
- (6) You must allege specific facts supporting the claims in the petition you file seeking relief from any conviction or sentence. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.
- (7) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: High Desert State Prison, Clark County
2. Name and location of court which entered the judgment of conviction under attack: 8<sup>th</sup> Judicial District Court, Las Vegas, Nevada
3. Date of judgment of conviction: Oct 10, 2003/amended 4/1/05
4. Case number: C182002
5. (a) Length of sentence: Burglary while in possession of a Firearm / 155 B. Felony

RECEIVED

APR 26 2017

Exhibit (D)

County, Nevada

Case No.

(Assigned by Clerk's Office)

777-754-557-W  
VII

**I. Party Information** (provide both home and mailing addresses if different)

**Plaintiff(s)** (name/address/phone):

Christopher Mack  
# 788417  
PO Box 650 Indian Springs  
NV 89070

**Defendant(s)** (name/address/phone):

Dwight News  
Warden

**Attorney** (name/address/phone):

**Attorney** (name/address/phone):

66

**II. Nature of Controversy** (please select the one most applicable filing type below)

**Civil Case Filing Types**

Real Property	Negligence	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

Date

APR 4 6 2017

Signature of Initiator or Representative

PREPARED BY CLERK

See other side for family-related case filings.

## Length of Sentence Continuance

- COUNT - II - Robbery With USE OF A deadly weapon / Class B Felony - NRS 200.380, 193.530)
- COUNT - III - Attempt Robbery With USE OF A deadly weapon / Class B Felony, 200.380, 193.165, 330)
- COUNT - VII Burglary while in Possession of A Firearm / Class B Felony - NRS 205.060)
- COUNT - VIII - Robbery with the USE of A deadly weapon / Class B Felony - NRS 200.380 193.165)
- COUNT - IX - Robbery with the USE of A deadly weapon / Class B Felony NRS 200.380, 193.165)
- COUNT - X - Robbery with the use of a deadly weapons / Class B Felony NRS 200.380 193.165)



(b) If sentence is death, state any date upon which execution is scheduled: N/A

6. Are you presently serving a sentence for a conviction other than the conviction under attack in this motion?

Yes ☒ No ☐

If "yes," list crime, case number and sentence being served at this time: In the judgement of conviction there are numerous consecutive sentences to be served

7. Nature of offense involved in conviction being challenged: Burglary, Robbery w/ use

8. What was your plea? (check one) N/A

(a) Not guilty .....

(b) Guilty .....

(c) Guilty but mentally ill .....

(d) Nolo contendere .....

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: .....

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury .....

(b) Judge without a jury .....

11. Did you testify at the trial? Yes ..... No .....

12. Did you appeal from the judgment of conviction? Yes ..... No .....

13. If you did appeal, answer the following:

(a) Name of court: .....

(b) Case number or citation: .....

(c) Result: .....

(d) Date of result: ✓ .....

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: N/A

15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ..... No .....

16. If your answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: N/A

(3) Grounds raised: .....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: .....

(2) Nature of proceeding: N/A

(3) Grounds raised: .....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: N/A

(7) If known, citations of any written opinion or date of orders entered pursuant to such result:

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....

Citation or date of decision: ..... N/A

(2) Second petition, application or motion? Yes ..... No .....

Citation or date of decision: .....

(3) Third or subsequent petitions, applications or motions? Yes ..... No .....

Citation or date of decision: .....

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: .....

N/A

(b) The proceedings in which these grounds were raised: .....

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

N/A

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) Compensation...

of good time Credits

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes ..... No .....

If yes, state what court and the case number: .....

N/A

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal: .....

N/A

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes ..... No .....

If yes, specify where and when it is to be served, if you know: .....

N/A

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting same.

(a) Ground ONE:

NRS 209.4465 (1997)  
20 days Per month deducted from "minimum"  
and "maximum" terms of my Sentence.

Supporting FACTS (Tell your story briefly without citing cases or law.):

Under NRS 209.4465 (1997)  
I am entitled to have 20 days per month of Statutory  
good time deducted from the minimum and maximum  
terms of my Sentence.

The (N.D.C.) has refused and  
/or failed to deduct the 20 days of Statutory good time  
I have earned from the minimum and maximum terms  
of my Sentence. I have requested that 20 days of  
Statutory good time be deducted from the terms  
of my Sentence. Yet (N.D.C.) has refused and  
/or failed to deduct that good time from my  
Sentence.

Pursuant to NRAP Rule 33(3)(c) I rely upon the  
decision of the Nevada Supreme Court in Vorsevdevitz  
V. LeGrand, NSC case no. 66159, as persuasive  
authority that I am entitled to relief in this case.

(b) Ground TWO: Ex Post Facto law Article  
1, Sec. 10, of the U.S. Constitution

Supporting FACTS (Tell your story briefly without citing cases or law.): .....

I am being denied my constitutional right to be free from ex Post facto law under Article 1, Sec. 10, of the U.S. Constitution by the application of the exclusionary Provisions of Section 8 of NRS 209.4465 (2007) to deny me 30 days of Statutory good time per month being deducted from the minimum and maximum terms of my Sentence.

I incorporate all of the facts contained in ground one into this ground for relief. The (NDOC) appears to be denying me the 30 days a month of Statutory good time being deducted from the minimum and maximum terms of my Sentence based on the exclusion Provisions of Section 8 of NRS 209.4465.

This is a violation of my ex-Post facto right. I rely upon the decisions in the following cases to support my position in this ground for relief: *Weaver V. Graham*, 450 U.S. 34 (1981); *Stevens V. Nevada State Prison*, 969 P.2d 945 (NV 1991); *Goldsworthy V. Hannifin*, 468 P.2d 350 (1970).

(c) Ground THREE: .....

## Summary

Supporting FACTS (Tell your story briefly without citing cases or law.): .....

Under 209.4465 (1997) Petitioner is entitled to have 20 days Per month of Statutory good time deducted from the minimum and maximum terms of his Sentence.

The record reflects Petitioner has not had 20 days deducted from the "minimum" and maximum terms of his Sentence in which he is entitled to.

This is a violation of Petitioners Constitutional rights to Due Process and equal Protection of the Law. That needs to be addressed immediately and appropriately to protect the interest of Justice.

1 (d) Ground FOUR: .....

2  
3 Remedy.  
4

5 Supporting FACTS (Tell your story briefly without citing cases or law.): .....

6  
7 The 20 Days Per Month not  
8 deducted from 2001 till 2017 (16) teen years  
9 worth deducted from the minimum and maximum  
10 Sentence remaining.

11 Respectfully, Submitted  
12

13  
14 x Christopher Mack  
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WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at High Desert State Prison on the 20 day of the month of April, 2017.

\* Christopher Mack

High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

\* Christopher Mack

High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

AFFIRMATION (Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceeding PETITION FOR WRIT OF HABEAS CORPUS filed in District Court Case Number C182003 Does not contain the social security number of any person.

\* Christopher Mack

High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

CERTIFICATE OF SERVICE BY MAIL

I, Christopher Mack, hereby certify pursuant to N.R.C.P. 5(b), that on this      day of the month of April, 2017, I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS addressed to:

D.W. Neven, Warden High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070

Attorney General of Nevada  
100 North Carson Street  
Carson City, Nevada 89701

Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, Nevada 89155

\* Christopher Mack

High Desert State Prison  
Post Office Box 650  
Indian Springs, Nevada 89070  
Petitioner in Proper Person

\* Print your name and NDOC back number and sign

opher Mack # 78847  
xx 650  
on Springs, NV 89070

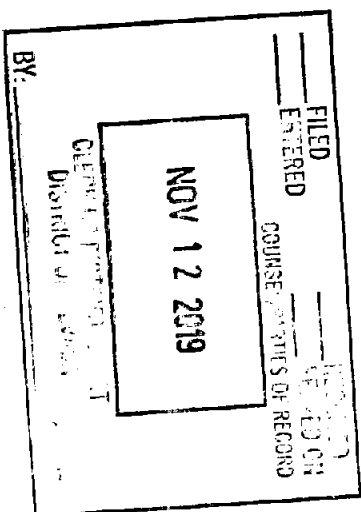
1.20  
04/22/2017  
3762  
ZIP 89155-1160

Clerk of the Court  
200 Lewis Avenue  
Las Vegas, N.V. 89155-1160

ORIGINAL  
LEGAL MAIL

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HIGH DESERT STATE PRISON  
LAW LIBRARY

Christopher D. Mack #78847  
Southern Desert Correctional Cent  
P.O. Box 208  
Indian Springs, Wv. 89070



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